

To: City of the Village of Douglas City Council
Date: November 24, 2025
From: Sean Homyen, Planning & Zoning Administrator
RE: 89 S. Washington – Obstruction in ROW



The Village of Friendliness – Since 1870

Background. Staff received a complaint regarding a wooden flower bed installed within the public right-of-way at 89 S. Washington Street. After conducting a visual inspection, staff determined that the wooden flower bed was installed in violation of Section 28-59(b) of the Code of Ordinances and Section 16.31(3) of the Zoning Ordinance. The ordinance sections cited in the violation were included in the enforcement letter sent to the property owner.

On September 23, 2025, staff issued a letter to the property owner requiring the wooden flower bed to be removed from the right-of-way by October 23, 2025. The property owner has since requested to appeal the enforcement action.

Section 23.04, Enforcement, outlines the procedure that the Zoning Administrator must follow when initiating enforcement on an alleged violation. Subsection 2 provides the required content to be included in a letter notifying a property owner of said violation:

“.....The notice shall advise the owner, or party of interest in writing, that within thirty (30) days the violation shall be corrected, or the owner, or party of interest shall request a hearing on the violation before the City Council. If so requested, the Zoning Administrator shall notify the owner or party of interest of the time and place of a hearing to be held before the City Council. At said hearing, the person to whom the Notice of Violation is addressed shall have the opportunity to show cause why said violation should not be ordered to be corrected or why said enforcement action would cause an undue hardship. “The property owner has requested a hearing before City Council to contest the violation and has claimed that enforcement would create an ‘undue hardship.’”

Undue hardship is defined as an unreasonable expectation created by the property’s unique attributes, such as size, shape, or topography. Personal circumstances alone are not considered grounds for undue hardship under the ordinance.

At the November 24, 2025, regular Council meeting, the City Council is tasked with hearing testimony from the Zoning Administrator, the owner of 89 S Washington, and any other interested party who wishes to speak on the matter. Section 23.04.(3) indicates that “the City Council may extend the time by which the violations must be corrected, for a period not to exceed 6 months, however, the City Council shall not allow such violations to exist longer than this period.” If the City Council finds that undue hardship does exist on the property that would

prevent the property owner from complying with the ordinance, its findings should be clearly stated in the record, as well as any specific timeframes or deadlines that would be placed on the new order to correct the violation.

If the City Council finds that undue hardship does not exist, findings should be clearly stated in the record with any new deadlines for correcting the violation.

Procedurally, if the City Council orders the correction within a specific timeframe and the property owner does not fulfill their obligation to follow the order and abate the violation within that timeframe, enforcement will then move into civil infraction proceedings, whereby the property owner will be subject to fines and/or an appearance in district court.

A copy of the enforcement letter is attached to this memo.

Please feel free to reach out with any questions regarding the issue.
